

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

FLEXIWORLD TECHNOLOGIES, INC.,

Plaintiff,

v.

ROKU, INC.

Defendants.

Civil Action No. 6:20-cv-00819-ADA

JURY TRIAL DEMANDED

JOINT PROPOSED SCHEDULE

Pursuant to the Court's Standing Order Governing Proceedings – Patent Case, Plaintiff Flexiworld Technologies, Inc. ("Flexiworld") and Defendant Roku, Inc. ("Roku") hereby submit the following proposed schedule for this matter.

Date	Deadline
11/23/20	Plaintiff serves preliminary infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (<i>i.e.</i> the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the filed history for each patent in suit.
12/14/20	Deadline for Motions to Transfer.
1/19/21	<p>Defendant shall serve preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101.</p> <p>Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused</p>

	product(s), and (3) summary, annual sales information for the accused product(s) for the two years preceding the filing of the Complaint.
2/1/21	Parties exchange claim terms for construction.
2/15/21	Parties exchange proposed claim constructions.
2/22/21	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. ¹ With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
3/1/21	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms / constructions.
3/8/21	Plaintiff files Opening claim construction brief, including any arguments that any claim terms are not indefinite.
3/29/21	Defendant files Responsive claim construction brief.
4/5/21	Plaintiff files Reply claim construction brief.
4/19/21	Defendant files a Sur-Reply claim construction brief.
4/22/21	Parties submit Joint Claim Construction Statement. See General Issue Note #8 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
4/26/21	Parties submit optional technical tutorials to the Court and technical adviser (if appointed) ²
5/14/21	Markman Hearing at 1:30 p.m.
5/17/21	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
6/14/21	Deadline to complete venue discovery.

¹ Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

² The parties should contact the law clerk to request a Box link so that the party can directly upload the file to the Court's Box account.

6/25/21	Deadline to add parties.
6/28/21	Deadline to respond to Motion to Transfer.
7/7/21	Deadline to reply to Motion to Transfer.
7/8/21	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.
9/2/21	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
11/11/21	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
12/9/21	Close of Fact Discovery.
12/16/21	Opening Expert Reports.
1/13/22	Rebuttal Expert Reports.
2/3/22	Close of Expert Discovery.
2/10/22	Deadline for the second of two meet and confer to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
2/17/22	Dispositive motion deadline and <i>Daubert</i> motion deadline See General Issues Note #8 regarding providing copies of the briefing to the Court and the technical adviser (if appointed)
3/3/22	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).

3/17/22	Serve objections to pretrial disclosures/rebuttal disclosures.
3/24/22	Serve objections to rebuttal disclosures and File Motions <i>in limine</i> .
3/31/22	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .
4/7/22	<p>File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com.</p> <p>Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i>.</p>
3 business days before Final Pretrial Conference	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
TBD	Final Pretrial Conference. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.
4/11/22	Jury Selection/Trial.

Dated: December 9, 2020

Respectfully submitted,

/s/ Timothy E. Grochocinski

TIMOTHY E. GROCHOCINSKI
ILLINOIS BAR NO. 6295055
JOSEPH P. OLDAKER
ILLINOIS BAR NO. 6295319
NELSON BUMGARDNER ALBRITTON PC
15020 S. Ravinia Avenue, Suite 29
Orland Park, Illinois 60462
708.675.1583 (telephone)
tim@nbafirm.com
joseph@nbafirm.com

ERIC M. ALBRITTON
STATE BAR NO. 00790215
ANDREW J. WRIGHT
STATE BAR NO. 24063927
NELSON BUMGARDNER ALBRITTON PC
3131 West 7th Street, Suite 300
Fort Worth, Texas 76107
817.377.9111 (telephone)
ema@nbafirm.com
andrew@nbafirm.com

*Counsel for Plaintiff
Flexiworld Technologies, Inc.*

/s/ Matthew C. Bernstein

MATTHEW C. BERNSTEIN
California Bar No. 199240
PERKINS COIE LLP
11452 El Camino Real, Suite 300
San Diego, California 92130-2080
858.720.5700 (telephone)
mbernstein@perkinscoie.com

MARTIN E. GILMORE
PERKINS COIE LLP
500 West 2nd Street, Suite 1900
Austin, Texas 78701
737.256.6100 (telephone)
mgilmore@perkinscoie.com

*Attorneys for Defendants
Roku, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 9, 2020, the foregoing document was electronically filed with the Clerk of Court using the CM/ECF filing system, which will generate and send an e-mail notification of said filing to all counsel of record.

/s/ Timothy E. Grochocinski